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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/707,435

**Applicant(s)**

SWINTON, WILLIAM G.

**Examiner**

Glenford Madamba

**Art Unit**

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Remarks and Amendments***

1. This action is in response to remarks and claim amendments filed by Applicant's representative on October 28, 2008.
2. Applicant's remarks and claim amendments filed on October 28, 2008 have been considered but are now moot in light of the new grounds of rejection provided with this action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-7, 10, 27-32, 35-37, 40, and 57-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez et al (hereinafter Rodriguez), U.S. Patent Publication US 2002/0135794 A1.

As per Claims 1, 29, 30 and 31 Rodriguez discloses in a messaging system, a method for restoring media items to an original quality, the method comprising:

upon receipt of a message (e.g., email message) [0006] [0012] containing a media item (e.g., digital images / photographs) [Abstract] [0003] having original quality (e.g., 'Full Size' / 'Photo Display Size' "Original" Frame / Image) [Fig. 6a-b &10], storing the media item at the original quality in a repository (e.g., storing 'Full Size' and/or 'Photo Display Size' "Original" Frame / Images at Central Service 630)

generating an identifier for identifying the media item stored in the repository (e.g., 'hyperlinked image') [0060] (e.g., URL link) [0067];

replacing the media item having original quality in the message with a lower quality substitute copy that includes said identifier (e.g., "Transform *roll* of 'Photo Display Size' images to 'Thumbnail Size' images at Photo Web Site and transmit *roll* of 'Thumbnail Size' images to User.." ) (step 1007) [Fig. 10], and

upon future encounter of a message containing the lower quality substitute copy of the media item having said identifier, restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier (e.g., "Transmit single User-selected 'photo display size' image over Internet from Photo Web Site to User's Browser in response to User's 'On-demand' request) (step 1008) [Fig. 10].

Claim 29, 30 and 31 recites the same limitations as claim 1, is distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 2 and 32, Rodriguez discloses the method of claim 1, wherein said original media item having original quality comprises a component in user-composed messages (e.g., sharing or distributing digital pictures with friends and family by email) [0012].

As per Claims 5 and 35, Rodriguez discloses the method of claim 1, wherein said restoring includes:

as the message containing the lower quality substitute copy of the media item passes through a switching center, restoring the lower quality substitute copy of the media item to original quality by the switching center using the identifier to obtain the media item having original quality stored in the repository (e.g., "Transmit single User-selected 'photo display size' image over Internet from Photo Web Site to User's Browser in response to User's 'On-demand' request) (step 1008) [Fig. 10].

As per Claims 6 and 36, Rodriguez discloses the method of claim 1, wherein said restoring step includes: restoring the lower quality substitute copy of the media item back to a first generation copy (e.g., "Transmit single User-selected 'photo display size' image over Internet from Photo Web Site to User's Browser in response to User's 'On-

demand' request) (step 1008) [Fig. 10].

As per Claims 7 and 37, Rodriguez discloses the method of claim 1, wherein said messaging system comprises a message switch-based system (e.g., Central Service / Photo Web Site Service) [Figs. 6a-b & 10].

As per Claims 10 and 40, Rodriguez discloses the method of claim 9, wherein the mobile terminal communicates via a multimedia messaging protocol (e.g., HTTP) [0056].

As per Claims 27 and 57, Rodriguez discloses the method of claim 1, wherein said message is transmitted via the Internet from a client device to a server (e.g., 'Internet delivery') [Fig. 6b].

As per Claims 28 and 58, Rodriguez discloses the method of claim 1, wherein the lower quality substitute copy is a reduced size image smaller than the media item having original quality (e.g., 'Thumbnail Size' images) [0015] [0065].

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 9, 11-19, 22-26, 34, 39, 41-49 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (hereinafter Rodriguez), U.S. Patent Publication US 2002/0135794 A1 in view of Pyhalammi et al (hereinafter Pyhalammi), U.S. Patent Publication US 2005/0091367 A1.

As per Claims 3 and 33, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein said messaging system comprises Multimedia Messaging Service (MMS).

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said messaging system comprises Multimedia Messaging Service (MMS) is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said messaging system comprises Multimedia Messaging Service (MMS) [Pyhalammi: 0003].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 4 and 44, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein said replacing includes: using an available data communications channel that exists for encoding said media item having original quality, in order to encode said identifier.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said replacing includes: using an available data



communications channel that exists for encoding said media item having original quality, in order to encode said identifier is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said replacing includes: using an available data communications channel that exists for encoding said media item having original quality, in order to encode said identifier (Pyhalammi: e.g., encoded data) [0061].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 9 and 39, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein the message containing a media item having original quality is received from a mobile terminal.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the message containing a media item having original quality is received from a mobile terminal is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the message containing a media item having original quality is received from a mobile terminal [Pyhalammi: Fig. 4].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 11 and 41, Pyhalammi discloses the method of claim 1, wherein said identifier comprises an object reference identifier.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said identifier comprises an object reference identifier is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said identifier comprises an object reference identifier (Pyhalammi: e.g., subscriber identity, thumbnail image, or filename for the image/thumbnail image) [0039].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 12 and 42, Rodriguez in view of Pyhalammi discloses the method of claim 11, wherein said object reference identifier is capable of being embedded in the lower quality substitute copy of the media item.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said object reference identifier is capable of being embedded in the lower quality substitute copy of the media item is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said object reference identifier is capable of being embedded in the lower quality substitute copy of the media item (Pyhalammi: e.g., embedding data into content) [0010].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 13 and 43, Rodriguez in view of Pyhalammi discloses the method of claim 12, wherein the object reference identifier is embedded in a header of the lower quality substitute copy of the media item (Pyhalammi : i.e., indicator / watermark may be in the header) [0069].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the object reference identifier is embedded in a header of the lower quality substitute copy of the media item is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the object reference identifier is embedded in a header of the lower quality substitute copy of the media item (Pyhalammi : i.e., indicator / watermark may be in the header) [0069].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which

allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 14 and 44, Rodriguez in view of Pyhalammi discloses the method of claim 13, wherein said lower quality substitute copy of the media item comprises a JPEG (e.g., JPEG image) [0066] image, and wherein the object reference identifier is embedded in a header for the JPEG image.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the object reference identifier is embedded in a header for the JPEG image is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the object reference identifier is embedded in a header for the JPEG image (Pyhalammi: i.e., indicator / watermark may be in the header) [0069],

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said

additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 15 and 45, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein the identifier is embedded in the substitute copy as a binary text string.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the identifier is embedded in the substitute copy as a binary text string is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the identifier is embedded in the substitute copy as a binary text string. (Pyhalammi: i.e., binary / text) [0062].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method

which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 16 and 46, Rodriguez in view of Pyhalammi discloses the method of claim 15, wherein the binary text string contains sufficient information to allow retrieval of a copy of the media item having original quality stored in the repository.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the binary text string contains sufficient information to allow retrieval of a copy of the media item having original quality stored in the repository is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the binary text string contains sufficient information to allow retrieval of a copy of the media item having original quality stored in the repository (e.g., registration / count value) [0069] [0080] (i.e., "Top Ten" content) [0034] [Fig. 6].



It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 17 and 47, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein the identifier employed for the lower quality substitute copy of the media item depends on the lower quality substitute copy of the media item's type [0039].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the identifier employed for the lower quality substitute copy of the media item depends on the lower quality substitute copy of the media item's type is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the identifier

employed for the lower quality substitute copy of the media item depends on the lower quality substitute copy of the media item's type [Pyhalammi: 0039].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 18 and 48, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein said restoring step includes: scanning incoming media items for any preexisting identifiers (e.g., 'monitoring' / detecting embedded digital watermarks) [0040].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said restoring step includes: scanning incoming media items for any preexisting identifiers is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked

and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said restoring step includes: scanning incoming media items for any preexisting identifiers (Pyhalammi: e.g., 'monitoring' / detecting embedded digital watermarks) [0040].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 19 and 49, Rodriguez in view of Pyhalammi discloses the method of claim 18, further comprising: if an incoming media item does not have a preexisting identifier, assigning a new identifier for that incoming media item (302, 304) [Fig. 3].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein if an incoming media item does not have a preexisting identifier, assigning a new identifier for that incoming media item is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein if an incoming media item does not have a preexisting identifier, assigning a new identifier for that incoming media item (Pyhalammi: 302, 304) [Fig. 3].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 22 and 52, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein the identifier is embedded in a digital watermark employed for the lower quality substitute copy of the media item.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the identifier is embedded in a digital watermark

employed for the lower quality substitute copy of the media item is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the identifier is embedded in a digital watermark employed for the lower quality substitute copy of the media item (Pyhalammi: Watermarked Images 922a-b) [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 23 and 53, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein said lower quality substitute copy of the media item comprises an image, and wherein the identifier is embedded in a digital watermark for the image.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery

speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein said lower quality substitute copy of the media item comprises an image, and wherein the identifier is embedded in a digital watermark for the image is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein said lower quality substitute copy of the media item comprises an image, and wherein the identifier is embedded in a digital watermark for the image (Watermarked Images 922a-b) [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 24 and 54, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein the identifier is embedded in a digital watermark for the substitute copy, said identifier be embedded as a binary text string.

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein the identifier is embedded in a digital watermark for the substitute copy, said identifier be embedded as a binary text string is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein the identifier is embedded in a digital watermark for the substitute copy, said identifier be embedded as a binary text string (Pyhalammi: i.e., binary / text) [0062].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

As per Claims 25 and 55, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein steps of the method are performed at a server computer that connects to mobile terminals [Fig. 4].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein steps of the method are performed at a server computer that connects to mobile terminals is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein steps of the method are performed at a server computer that connects to mobile terminals [Pyhalammi: Fig. 4].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].



As per Claims 26 and 56, Rodriguez in view of Pyhalammi discloses the method of claim 1, wherein at least some steps of the method are performed at mobile terminals, for providing distributed processing [Figs. 1, 4, 7 & 12].

While Rodriguez discloses substantial features of the invention such as the method of claim 1, and a system and methodology for improving the Internet delivery speed and reliability of digital photographs [Abstract] [0003] [0031], the additionally recited feature of the method wherein at least some steps of the method are performed at mobile terminals, for providing distributed processing is expressly disclosed by Pyhalammi in a related endeavor.

Pyhalammi discloses as his invention a system for and method for tracking content communicated over a network. Content transmitted over the network is marked and registered such that subsequent transmission (e.g., message forwarding) can be recognized as the message proliferates the network [Abstract] [0007]. In particular, Pyhalammi discloses the additional recited feature of the method wherein at least some steps of the method are performed at mobile terminals, for providing distributed processing [Pyhalammi: Figs. 1, 4, 7 & 12]. .

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Rodriguez's invention with the above said additional feature, as disclosed by Pyhalammi, for the motivation of providing a method

which allows a user to have content registered and tracked in order to show the popularity of the content for the community of users [Pyhalammi: Abstract] [0007].

3. Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (hereinafter Rodriguez), U.S. Patent Publication US 2002/0135794 A1 in view of Pyhalammi et al (hereinafter Pyhalammi), U.S. Patent Publication US 2005/0091367 A1 in view of Zuidema et al (hereinafter Zuidema), U.S. Patent Publication US 2006/0031297 A1.

As per Claims 8 and 38, Rodriguez in view of Pyhalammi and in further view of Zuidema discloses the method of claim 1, wherein said messaging system is able to allow transmission of a given media item in its original quality or decimate the given media item, as required for a given destination.

While the combination of Rodriguez and Pyhalammi discloses substantial features of the invention such as the method of claim 1, including the importance of maintaining media object resolution quality such as when an image is 'resized' and retransmitted, the additionally recited feature of the method wherein said messaging system is able to allow transmission of a given media item in its original quality or decimate the given media item, as required for a given destination is disclosed by Zuidema in a related endeavor.

Zuidema discloses as his invention a system for and method of controlling retransmission of a content item contained in a multimedia message. The method comprises: receiving the message containing the content item from a sender together with an identifier of an intended recipient of the message, processing the content item to detect the presence or absence of a watermark therein, if the absence of a watermark has been detected, \*causing a watermark to be embedded in the content item, and\* allowing retransmission of the message including the watermarked content item to the intended recipient, and otherwise controlling retransmission of the message including the content item to the intended recipient [Abstract]. In particular, Zuidema discloses the additional recited feature of the method wherein said messaging system is able to allow transmission of a given media item in its original quality or decimate the given media item, as required for a given destination [Zuidema: 0028] [0035] [0042].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Rodriguez and Pyhalammi with the above added feature, as disclosed by Zuidema, for the motivation of providing a method of 'controlling' retransmission of a content item (e.g., images) contained in a multimedia message, including tracking of 'forwarded content', charging a fee for the retransmission, restricting forwarding of the watermarked content item or disallowing the retransmission [Abstract] [0001] [0009-012].

4. Claims 20-21 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (hereinafter Rodriguez), U.S. Patent Publication US 2002/0135794 A1 in view of Pyhalammi et al (hereinafter Pyhalammi), U.S. Patent Publication US 2005/0091367 A1 and in further view of Rhoads et al (hereinafter Rhoads), U.S. Patent 6,522,769.

As per Claims 20 and 50, Rodriguez in view of Pyhalammi and in further view of Rhoads discloses the method of claim 1, further comprising removing from the repository any media item that is stale.

While the combination of Rodriguez and Pyhalammi discloses substantial features of the invention such as the method of claim 1, and the method wherein the object reference identifier is embedded in a header for the JPEG image (i.e., indicator / watermark may be in the header) [0069], the additional feature of the method further comprising removing from the repository any media item that is stale is disclosed by Rhoads in a related endeavor.

Rhoads discloses as his invention a system and method for reconfiguring a watermark detector. In many applications, it is useful to be able to change the operation of a watermark detector. Such changes may include changing how the watermark detector decodes or interprets a watermark embedded in a signal of a given media type, such as audio, video or still images [Abstract]. In particular, Rhoads discloses the additional recited feature of the method further comprising

removing from the repository any media item that is stale (e.g., expiration of watermark "date field") [Rhoads: col 6, L66 – col 7, L14].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Rodriguez and Pyhalammi with the above added feature, as disclosed by Rhoads, for the motivation of providing a system and method that allows reconfiguration of a watermark detector, and in particular, remote reconfiguration of the detector [Rhoads: col 1, L41-63].

As per Claims 21 and 51, Rodriguez in view of Pyhalammi and in further view of Rhoads discloses the method of claim 20, wherein said removing step includes applying an aging mechanism to determine media items that are stale.

While the combination of Rodriguez and Pyhalammi discloses substantial features of the invention such as the method of claim 1, and the method wherein the object reference identifier is embedded in a header for the JPEG image (i.e., indicator / watermark may be in the header) [0069], the additional feature of the method wherein said removing step includes applying an aging mechanism to determine media items that are stale is disclosed by Rhoads in a related endeavor.

Rhoads discloses as his invention a system and method for reconfiguring a watermark detector. In many applications, it is useful to be able to change the operation of a watermark detector. Such changes may include changing how

the watermark detector decodes or interprets a watermark embedded in a signal of a given media type, such as audio, video or still images [Abstract]. In particular, Rhoads discloses the additional recited feature of the method wherein said removing step includes applying an aging mechanism to determine media items that are stale (Rhoads: e.g., expiration of watermark "date field") [col 6, L66 – col 7, L14].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Rodriguez and Pyhalammi with the above added feature, as disclosed by Rhoads, for the motivation of providing a system and method that allows reconfiguration of a watermark detector, and in particular, remote reconfiguration of the detector [col 1, L41-63].

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.06(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Follansbee/  
Supervisory Patent Examiner, Art Unit 2451

Glenford Madamba  
Examiner  
Art Unit 2451

